

Remarks/Arguments

First, reference is made to the April 22, 2004 mid morning telephone conversation with Examiner D. Hwu. Discussed was the examiner's rejection [specifically] of Claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite, and the usage of the single word "or" in the last paragraph of amended Claim 1.

The examiner suggested modifying this paragraph to eliminate the alternate expression. This has been done. Examiner Hwu also said the merits of the case appeared to be in order.

Therefore, I am presenting an amended Claim 1, and the previous Claim amendments including arguments, in view of the current rejection of Claim 1 – 7 under 35 U.S.C. 112, second paragraph, as being indefinite.

On page 2 of this correspondence, Claim 1 has been amended in the last paragraph to read: *"wherein said upward discharge outlet consists of a single diffuser cap assembly having two different user selectable water discharges"* in place of the former language: *"wherein said upward discharge outlet consists of a single diffuser cap assembly permitting water to flow upward either through a plurality of diffuser openings, or alternately through a fountain discharge duct"*.

The alternate expression "or" has been eliminated, and the amendment makes it clear to one skilled in the art of faucets, in view of the Figures, that water can be discharged through one of two possible outlets.

In reference to the 37 C.F.R. § 1.111 reply of Feb. 20, 2004, the arguments below are presented again to explain why the claim amendments were undertaken in light of the Slater, Jr., patent.

Claims 1 – 5 shall remain in the application, but all have been amended, and Claims 6 and 7 have been added as new claims to the application.

The examiner noted that Claims 2 – 5 would be allowable if rewritten in independent form including all the limitations of the base claim, which was rejected, as mentioned above.

I will now discuss why the amendments to Claim 1 – 5 make our invention patentable over Slater, Jr. In addition, new Claims 6 and 7 further define elements of our invention initially disclosed in the application, and do not represent new matter which would affect the original filing date. Single independent Claim 1 has been amended to be allowable so that all 6 dependent claims will be as well.

First, although Slater, Jr., in U.S. Patent No. 3,030,029, or simply “Slater” from now on, discloses features having similar names, e.g., “upward spray discharge”, “diverter control means”, and “input water”, to our invention, we will show that these features detailed by the examiner do not render our claims unpatentable. Moreover, none of Slater’s features would have been obvious to us in the design and conception of our faucet.

Slater’s invention is directed to a *drinking fountain attachment for faucets*. First and foremost, Slater discloses a short tubular body

12 that screws onto the discharge end of a typical faucet. The faucet body **13** of our invention is radically different in both design and function from Slater's body. Our body **13** is the entire base and major portion of a sink or tub conventional faucet. It doesn't at all equate to Slater's body.

Further, Slater's tubular body **12** is characterized by a threaded end **13** that screws into a conventional faucet end, and has a long drinking tube **26** extending from the body. The main purpose of Slater's "attachment" invention is to provide this tube **26** as a means for drinking water from a bathroom or kitchen faucet.

Conversely, our invention is a faucet itself having a typical downward discharge outlet **221** and a novel upward discharge outlet **223** covered by a diffuser cap assembly **30** which permits a user to select from two possible water discharge types: a solid stream of water for drinking, and a spray of water for washing one's face.

Therefore, Slater's body **12** and drinking tube **26** are in no way related, obvious, or similar in both design and function to our commonly named features.

The button **24b** Slater discloses to direct water upward or downward through a faucet opening **14** is in fact a pull button which actuates a round valve **18**. Our selector handle **21** turns, to actuate rotatable shaft **23** which is connected to a multitude of components, however, functions totally unlike the button **24b** in the Slater patent.

The knowledge of Slater's button **24b**, valve **18**, and drinking tube **26** do not represent obvious features to one skilled in the art of faucet design as to render our application unpatentable.

Further, the amendments of Claim 1 represent better transitional language, show the proper usage of the antecedent basis in claims, use the words "input" and "outlet" as disclosed in the original specification filed, and detail the diffuser cap assembly **30**, again, as disclosed in the original specification filed on January 15, 2002.

We believe the amendments to (single independent) Claim 1 now places it in a condition for allowance, having overcome the examiner's rejections.

Yet, additionally, Claims 2 through 5 were amended to overcome the examiner's rejections, which will be now discussed in detail, however, the four claims also were modified to include better transitional language, show the proper usage of the antecedent basis in claims, and correct some minor punctuation and spelling errors.

With respect to the examiner's rejection of Claim 1, as further citing the characteristics of the Slater patent to be now discussed, Claims 2 through 5 as amended serve to overcome the rejections.

The input connection, housing input water connection, plurality of output connections and flow path from the input connection all cited by the examiner, as features of the Slater patent which anticipate our invention, are in fact most different from ours.

To start, the water receiving hole **22** in Slater (supplying water to his housing) is buried deep within the attachable body **12** and isn't the interior of a faucet, as is ours.

Slater's invention is simply a faucet attachable body having an internal passage to direct water upward through a drinking tube via actuation of an external button. If the button isn't actuated, or the body isn't attached to a faucet, water flows downward into a sink.

In our invention, the flow path **16** is the internal water conduit of the faucet body **13** itself, as seen in Figures **2** and **3**. This conduit is entirely different from the flow path established through the body of Slater's attachment, as seen in his Figure **2**.

Our discharge outlets **221** and **223** are related to a faucet fixture and not to an attachment. Further, outlet **223** is fitted with novel diffuser cap assembly **30** which has two functions. With regard to this fact, Claims **6** and **7** have been added to illustrate the differences between the Slater patent and our invention. Support for the addition of these two claims is found, e.g., in Figure **8**; and in the second to the last paragraph of our originally filed specification. Additionally, these two claims better define our invention as being patentable over Slater.

The intricate inner workings of our faucet, as seen in Figures **4** and **5** further serve to demonstrate the marked distinction between our faucet application and the Slater attachment. For example, within the Slater body **12**, there is no rotation of any part to change the flow path of water. In our faucet, flow diverter

spool **24** can move clockwise and counter clockwise to permit the discharge of water through one of three possible outlets.

The flow of water through the Slater attachment is achieved via pulling or depressing button **24b**. A ball valve is responsible for the water's direction in conjunction with a spring **35**. Our invention contains no springs, or a ball valve.

The Slater patent also relies on an adjustment screw **21** to regulate the water flow throughout the faucet attachment. The simple movement of our spool **24** permits easy water movement without the usage of complicated parts, which would wear out, as, e.g., an internal spring.

Our bathroom faucet relies on the internal diverter valve assembly **20** to achieve its designated purpose of selected water delivery. There is no such feature taught in the Slater patent, neither is there a suggestion for our feature.

Finally, we believe our bathroom faucet having multiple discharge outlets is indeed radically different from Slater's patent on a "*Drinking fountain attachment for faucets*" as I detailed in the foregoing discussion.

None of the features cited by the examiner in Paragraph 2 of his rejection letter, are taught, suggested, or implied in the Slater patent. Moreover, there would not be any reason or motivation for one skilled in the art of faucet design to look at the Slater attachment and come up with the new features contained in our faucet application.

I believe that our faucet, with its multiple discharge outlets, is definitely patentable over the Slater patent. I have shown how each feature is different and distinct from the Slater patent. Therefore, I respectfully traverse the examiner's rejections of our original patent Claims 1 through 5.

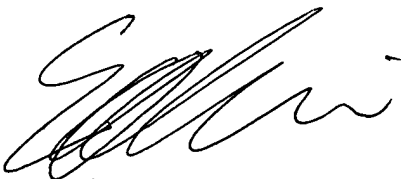
Further, in view of the modifications to Claims 1 – 5, and new Claims 6 and 7, I feel that this application is now in condition for allowance.

I can state with certainty that no new matter was introduced into the Claim 1 – 5 amendments, or in new Claims 6 & 7. All the changes undertaken rely on the original specification and figures.

In conclusion, the removal of "or" pursuant to the examiner's direction on April 22nd, and modification of Claim 1, will overcome the 35 U.S.C. 112, second paragraph rejection.

Finally, I look forward to obtaining a notice of allowance on this application as soon as possible.

Thank you,

A handwritten signature in black ink, appearing to read 'E. Chiu', with a stylized, cursive script.

Edward S. Chiu

Date: 05/17/2004